

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ALOHA SPORTS INC., a Hawaii
corporation,

Plaintiff,

vs.

THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION, an
unincorporated association,

Defendant.

CIVIL NO. CV04-00204 DAE/KSC
(Antitrust)

DECLARATION OF FREDERICK W.
ROHLFING III

DECLARATION OF FREDERICK W. ROHLFING III

I, FREDERICK W. ROHLFING III, pursuant to 28 U.S.C. § 1746, do
hereby make this sworn declaration:

1. I am one of the attorneys representing Plaintiff Aloha Sports Inc. in the above-entitled action.
2. Plaintiff is submitting simultaneously with this ex parte motion its Motion To Voluntarily Dismiss Its First Cause Of Action (Violation Of Sherman Act Section 1) With Prejudice And Its Remaining Causes Of Action Without Prejudice (“Plaintiff’s Motion to Voluntarily Dismiss”).
3. Plaintiff’s Motion to Voluntarily Dismiss seeks dismissal with prejudice of the First Cause of Action (Violation of Sherman Act Section 1) of Plaintiff’s “First Amended Complaint for Treble Damages for Violations of: (1)

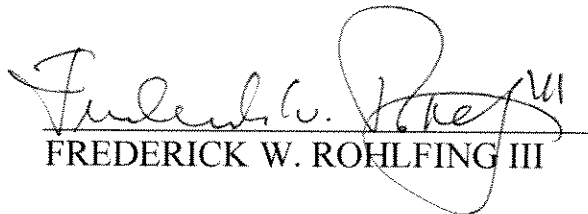
Sherman Antitrust Act, 15 U.S.C. § 15; (2) Hawaii Unfair Trade Practices Law; (3) Breach of Contract; and (4) Intentional Interference With Contract and/or Prospective Economic Advantage” (“the First Amended Complaint”), and to dismiss without prejudice the remaining causes of action set forth in the First Amended Complaint without prejudice.

4. If this Court grants Plaintiff’s Motion to Voluntarily Dismiss in its entirety, this action will no longer be pending in this Court, and this Court will not need to concern itself with ongoing proceedings in connection therewith.

5. Plaintiff seeks to expedite a decision on Plaintiff’s Motion to Voluntarily Dismiss by asking the Court to set the motion for hearing within the next thirty (30) days in the interest of justice, to save time, to save resources, and to expedite litigation.

I declare and certify under penalty of perjury that the foregoing is true and correct.

Executed at Honolulu, Hawaii; June 9, 2006.


FREDERICK W. ROHLFING III